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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 CHRISTOPHER M, SCALES,

13 Plaintiff,

14 v.

15 VINCE GOLDSMITH, *et al.*,

16 Defendants.

No. 08-5480BHS/JRC

ORDER WITHDRAWING A REPORT
AND RECOMMENDATION AND
GIVING PLAINTIFF 30-DAYS TO FILE
AN AMENDED COMPLAINT

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18 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
19 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local
20 Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4.

21 On January 20, 2009, the Honorable Judge Settle entered an Order adopting a Report and
22 Recommendation (Dkt. # 17). Plaintiff was given 30-days to file an amended complaint.
23 Plaintiff did not receive a copy of the Order and did not submit an amended complaint.
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On March 5, 2009, this Court entered a Report and Recommendation recommending the action be dismissed (Dkt # 18). Plaintiff has objected to the Report and Recommendation and notes he did not receive the Order to amend his complaint in a timely fashion.

The Report and Recommendation to dismiss this action, (Dkt # 18), is **WITHDRAWN**.
Plaintiff will have until **May 1, 2009**, to file the amended complaint.

The clerk's Office is directed to send a copy of this order to plaintiff and note the new due date for the amended complaint, **May 1, 2009**, on the Court calendar.

DATED this 26, day of March, 2009.

/s/ J. Richard Creatura
J. Richard Creatura
United States Magistrate Judge